

SCOTTSDALE AIRPORT ADVISORY COMMISSION  
15000 N. AIRPORT DRIVE, SCOTTSDALE, AZ 85260

JULY 9, 2003  
REGULAR MEETING

MINUTES

PRESENT: Donald Maxwell, Chairman                      Leonard Tinnan, Vice Chairman  
              Bill Mack     Mike Osborne  
              Philip Vickers                                       Fred Madanick  
              Tom Guilfoey

STAFF: Scott Gray, Aviation Director                      Paul Norman, Assistant City Attorney  
             Gary Mascaro, Asst. Aviation Director           Matt Johnson, Airport Specialist  
             Chris Read, Asst. Aviation Director

OTHER(S): John Meyer, Airport Properties Specialists LLC

Note: Prior to calling the meeting to order, Chairman Maxwell briefed the meeting attendees on the public comment procedure and that Citizen Comment Cards were available at the meeting should they wish to fill one out.

CALL TO ORDER

Chairman Maxwell called the meeting to order at 6:00 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

APPROVAL OF MINUTES

- A. Item 1 - Action  
Approval of the Minutes of the June 11, 2003 Regular Meeting.

Vice Chairman made a motion to approve the minutes of the June 11, 2003 meeting as written.  
Commissioner Osborne seconded the motion and the minutes were approved by a vote of 6-0.  
[Commissioner Mack had temporarily stepped out of the meeting and was not present for the vote.]

PUBLIC COMMENT

There were no public comments.

AERONAUTICAL BUSINESS PERMIT(S)

- A. Item 2 - Action  
Ratification of Airport Aeronautical Business Permit for Best Western Scottsdale Airpark Suites to provide off-airport in-flight catering services at Scottsdale Airport.

Mr. Matt Johnson advised the Commission that the applicant has withdrawn their request for an Airport Aeronautical Business Permit, therefore no action was required on this item.

- B. Item 3 - Action  
Ratification of Airpark Aeronautical Business Permit for JOC, Inc. to provide hangar/shade leasing services in the Scottsdale Airpark.

Mr. Johnson advised the Commission that JOC, Inc. has provided appropriate documentation as required in the Airpark Minimum Operating Standards. The 5% fee is anticipated to generate an additional \$1,620 in annual revenue to the Airport Enterprise Fund. Mr. Johnson stated a map has been provided which shows the location of the facility in the Airpark. Mr. Johnson added that a Lear 35 would be based in the hangar. Mr. Johnson noted that Mr. John Meyer, representing JOC, Inc., was present at the meeting to answer any questions from the Commission.

Vice Chairman Tinnan made a motion to approve ratification of the Airpark Aeronautical Business Permit for JOC, Inc. The motion was seconded by Commissioner Mack and it passed by a vote of 7-0.

- C. Item 4 - Information  
Aeronautical Business Permit Additions, Cancellations, or Revocations.

Mr. Johnson stated two new permittees were highlighted in green on the current permittee list. Vice Chairman Tinnan noted that Best Western, who withdrew their permit request, should not be on the list and he would prefer new permittees are not listed until the Commission has ratified their permit. Mr. Johnson stated he would follow that procedure in the future.

## GENERAL BUSINESS

- A. Item 5 - Action  
Recommend to City Council Construction Bid Award # 03PB087 for Cholla Parcel Infrastructure Improvements.

Mr. Chris Read stated this action item is for the Commission to consider recommending that the City Council authorize bid award no. 03PB087 for Cholla Parcel Infrastructure Improvements to M.D. Meritt, Inc., the successful responsive bidder, in the amount of \$69,945.30. Mr. Gray added specific details regarding location of the project and the necessary improvements.

Commissioner Vickers stated he would like the Commission to consider a requirement that this contract contain an alternative dispute resolution provision. Chairman Maxwell inquired if a dispute clause was in or out. Mr. Gray responded that he does not believe there has been any change made to the standard City construction contract.

Mr. Gary Mascaro advised the Commission that it could cause a violation if they were to change the contract at this point since it has already been awarded and that this would be an issue for the City's Purchasing department to handle. Mr. Paul Norman agreed that it would be problematic at this point since the bid has already been out on the street and the bids have been opened.

Commissioner Vickers asked if a draft of the proposed contract was attached to the RFP. Mr. Mascaro responded that it was. Commissioner Vickers said his point is the State of Arizona and most prudent business concerns today have in their contracts alternative dispute resolution provisions and he believes it would be a good policy for the Airport and the City of Scottsdale to consider including that clause in their contracts to minimize legal fees and to expedite resolution of any disputes.

Chairman Maxwell stated a study would have to be made by the City Council and the Legal staff because there are various forms of ADR and it would have to be something uniform. Chairman Maxwell stated his understanding is it's not something they could put into this contract now, but may be something to look into. Mr. Norman advised he would raise the issue with the City Attorney. Mr. Gray advised they would inform the Commission of the City Attorney's response on this issue.

Commissioner Mack made a motion to recommend City Council award bid no. 03PB087, Cholla Parcel Infrastructure Improvements, to M. D. Merrit, Inc. Vice Chairman Tinnan seconded the motion and it passed by a vote of 7-0.

B. Item 6 - Information  
Airpark Development and Construction Quarterly Update.

Mr. Mascaro gave a brief overview of the coordination that takes place between the City's Development Services staff and Airport staff for all development and construction projects that take place within 20,000 linear feet of the Airport runway to ensure the projects meet all requirements depending on noise contours and land use compatibility in the airport influence area. Mr. Mascaro provided the Commission with details of the current development and construction projects, the locations, stages of development, and type of facilities in progress.

Commissioner Mack inquired about the status of the Kierland project in Phoenix. Mr. Gray stated a letter was sent to the City of Phoenix Village Planning Committee indicating the need for an FAA a height analysis to determine the structure does not penetrate the imaginary surfaces. He added that putting it there might encourage helicopter operators to fly around the structure and fly over nearby homes instead. Mr. Gray was informed they intend to restrict the height to 65 ft and they will continue to work with Phoenix on this issue.

Commissioner Vickers inquired if staff has had any discussion with the hangar developers regarding not housing Stage 2 aircraft in their facilities. Mr. Gray responded that whenever tenants come to them and state they are going to base aircraft here, they advise them of the noise abatement program. However, since they have not yet completed a Part 161 Study, they do not have the ability to ban certain types of aircraft from the hangar facilities.

## NOISE ISSUES

A. Item 7 - Information  
June 2003 Noise Report.

Mr. Mascaro briefed the Commission on the June 2003 Noise Report and brought to the attention of the Commission that staff has implemented the Stage 2 voluntary curfew letter campaigns. Approximately 140 letters will be mailed. Mr. Mascaro added for the month of June there were 65 landings of Stage 2 aircraft, out of approximately 15,000 operations, and there were 160 overnight operations. Mr. Mascaro stated their voluntary curfew is 10:00 p.m. to 6:00 a.m., seven days a week, and all the operators will receive a letter requesting their cooperation.

Mr. Mascaro stated there have been some complaints concerning helicopters. Mr. Gray added that they are seeing news helicopters leaving between 5:15 a.m. and 6:15 a.m. Mr. Gray advised that letters were sent to all the TV news helicopters, with copies to the Commission, which basically asks the helicopter operators to follow noise abatement procedures when leaving Scottsdale Airport.

Mr. Mascaro stated there were 48 calls from one caller and his research showed he was submitting them directly on the Internet and never requested a call back. After June 15th no further complaints were received from this individual. Mr. Gray advised staff would be happy to meet with this individual if he contacts them again.

Commissioner Guilfoxy asked how they strike a balance in going out to citizens who file a complaint, and law abiding people who fly legal airplanes and they receive a harassing letter from the City.

Mr. Gray responded they consider their letters not to be harassing but educational in nature to pilots and citizens alike.

Vice Chairman Tinnan noted there were not as many complaints from Ironwood Village and of the number of complaints in June over 100 were made by only 4 individuals. Mr. Gray advised that a number of the calls

were from Mr. Ken Weingarten with whom he's had several conversations in the past week. Mr. Gray said they like to speak with everyone who has multiple complaints, however, at times they have to determine if it is an individual sensitivity issue or a particular grid issue.

Commissioner Vickers stated he would like to speak for a very large group of people he knows at Ironwood who no longer call the City of Scottsdale Airport out of pure frustration, feeling as though they've not got a response. Commissioner Vickers added he does not think they can place all the weight in the numbers without knowing the position of many of the people. He added the numbers by themselves don't tell the whole story.

Mr. Gray stated whether they get one call or a thousand phone calls from Ironwood Village, they know what Ironwood Village's issues are and will continue to address their concerns.

Chairman Maxwell stated he recognizes that residents of Ironwood Village have noise concerns, however, the two public reports on Ironwood Village that the original buyers had shows they are at 2.2 miles at the end of the runway, that there is noise, and under hazards they have several items -- one of which is aircraft noise. He added there is going to be the same situation at DC Ranch. Mr. Gray said for DC Ranch it would also be in the title report so the information will go from buyer to buyer.

Commissioner Madanick inquired what the safety complaint from Mr. Weingarten on June 9th referred to. Mr. Gray responded he did not recall the specifics but he'd be happy to provide it to the Commission. He added it's possible he saw two airplanes flying together as that's typically what they hear from a citizen when they complain about safety, or if they feel an aircraft is too low.

B. Item 8- Information  
Subcommittee on Noise Issues Update - Subcommittee Chairman Tinnan.

Subcommittee Chairman Tinnan advised the Commission the subcommittee has not formally met in the past month and they have no specific report, however, he has a couple of questions and comments he would like to state. Chairman Tinnan asked if they were close to hearing the results of the Stage 2 aircraft survey. Mr. Gray responded they just received the ninth survey and compiled the results. Mr. Gray noted it appears that most of the nine did not have any plans to replace their aircraft and only one, Medical Express, was in the process of replacing their aircraft. Chairman Tinnan requested a brief written summary of the survey results. Mr. Gray responded he would provide this to the Commission.

Subcommittee Chairman Tinnan stated it has become his belief that the Commission Subcommittee on Noise Issues no longer has a need to function. He added that Commissioners Mack, Guilfooy, and he helped to initiate the Pilot/Community Outreach Program, and were catalysts to some of the work now in process. Subcommittee Chairman Tinnan said one of their assignments was to serve as a liaison with the City Council Subcommittee on Regional Aviation issues, however, with all due respect to everyone involved, that has been a non-existent role. He added that the subcommittee has attended every City Council subcommittee meeting but feel they have a meaningless and redundant role at this point in time. Subcommittee Chairman Tinnan stated it is his recommendation that the Commission Subcommittee on Noise Issues be disbanded.

Chairman Maxwell said he would consider Subcommittee Chairman Tinnan's recommendation and he would like to get together to discuss it. Chairman Maxwell said his thinking is to deactivate the subcommittee and reactivate it when the issue arises.

Mr. Gray discussed the Naples Airport Part 161 Study and that they weren't getting any FAA Grant funding. They appealed through the appropriate processes in the FAA and the results came back from the hearing officer that they lost their case, however, they did make some advances with some issues. They are going to follow through to the next appeal process, and ultimately to the Appellate Court. Mr. Gray said they would continue to follow the case, which has already cost Naples \$3 million, including \$2 million in legal fees.

Mr. Gray briefed the Commission on the status of the flight tracking system. He advised he could not provide the RFP to the Commission till it is ready to go on the street, but he could provide them a general overview of what type of system is being requested. Mr. Gray then provided extensive details as to what features they are looking for in a base flight tracking system, and what optional features they might also consider. Mr. Gray added the bid package is in its final stages and we should see a bid go out in the next several weeks. He added this is not a low-bid situation, and they will have the ability to select who they think will provide the type of system they require, for whatever the cost may be. The goal is to change their overall philosophy of noise abatement from a complaint system to a compliance system.

Commissioner Guilfoxy stated the FAA D-BRITE system already does everything that we already need and it troubles him that we are going to spend more time and more money for something we've already paid for. Mr. Gray responded they've requested the FAA to get a D-BRITE scope feed ourselves and we were denied. He asked how we can assist the City of Scottsdale to save half a million dollars by using that system instead. Mr. Gray responded it may take Congressional pressure to do that, although it not likely to get results. Mr. Gray stated security is the number one issue and the likelihood of them getting any direct feed off of the FAA radar is remote. Mr. Gray added if it is the desire of the Commission to explore, he would be happy to draft a letter on behalf of the Commission to either the City Council or the ATCT Manager indicating our desire. Although we've already asked that question, it would not hurt to run it further up the chain and we can send it to TRACON as well.

Mr. Mascaro added they researched this option a year ago. They would have to go through Sky Harbor, buy the software, do the agreement, etc. It would have cost \$60,000. However, there would be the three-day delay and the perception that we were getting FAA data. Mr. Mascaro added they were pursuing that option until they were otherwise directed by the City Council subcommittee, as well as the Commission subcommittee to look into types of flight tracking systems. Based on that presentation we were directed to put an RFP together. Mr. Gray added although they do an RFP and they get proposals, it still doesn't mean that they are buying anything. It just means we will now have the information as to what the systems do and how much they will cost. The City Council as a whole will have to authorize us what they want us to buy.

Vice Chairman Tinnan asked what they are gaining from providing the opportunity for citizens to have access to the information, and how much is it going to cost. Mr. Gray said they would find the annual cost through the RFP. Providing the data on the Internet would allow the public to feel that nothing is being hidden from them.

Chairman Maxwell was concerned about the security issue in having the data on the internet 24-7. Mr. Gray agreed that one of the concerns was security and the FAA or Homeland Security may determine the information has to be delayed at least 15 minutes.

Further extensive discussion among staff and Commission continued on flight tracking system issues and various scenarios that may ensue by introducing more detailed information to the general public and security issues that may arise. Commissioner Vickers stated he would prefer the information be available to the public and stated if we buy something like that it belongs to the people, and it should be made available to the people.

## OPERATIONS UPDATE

- A. Item 9 - Information  
Review of Airport Operations for June 2003.

Mr. Chris Read briefed the Commission on the Airport Operations activity for the month of June. He clarified for the Commission that the Tower determines the level of Alert classification.

## MEETING SCHEDULE

- A. Item 10 - Action  
Review/Modify Meeting Schedule

Chairman Maxwell requested the September Commission meeting be moved from September 10 to September 17th.

Mr. Gray inquired if the Commission would be available for the August meeting and the consensus was they were. Mr. Gray suggested they discuss the September meeting date at the August meeting so they have a better idea of their availability at that time.

There were no changes to the meeting schedule at this time.

#### PUBLIC COMMENT

There were no public comments.

#### DIRECTOR'S REPORT

- A. Item 11 - Action  
Director's Report on Airport/Airpark and Aviation-related current items of interest.

Mr. Gray detailed the items of information in the Director's Report including the two letters sent to Senator McCain regarding the contract tower program, and noted his email to the regional AOPA representative expressing his support and concerns regarding the contract tower program.

Mr. Gray also advised the Commission regarding an email he received from their outside legal counsel regarding airport weight limitations and the FAA's placement in the Federal Register of a Notice of Proposed Policy and Request for Comments on a weight-based restriction at airports. Mr. Gray added it basically means the FAA believes we should allow an airplane of any size to land at the airport a certain number of times. Comments are due by August 14th and staff will provide written comments regarding this issue. Mr. Gray stated their comments will stress they do not like the idea.

#### ITEMS FROM THE COMMISSION

Chairman Maxwell advised the Commission that State Department Undersecretary, Haas, is scheduled to speak at the July 26th AzNAP meeting. J.D. Hayworth is to be the MC, and Senators McCain, Kyl, the governor, the attorney general, and the head of homeland security for Arizona have also been invited.

Commissioner Vickers noted his email to Mr. Gray of last week regarding whether or not a pilot receiving assistance from Rural Metro gets billed - the answer was no. Commissioner Vickers questioned if with the new fire department being constructed by the City are they going to have an increased cost due to the amortization of that facility, would that cost be passed on to operators who have an accident, and, if not, should we be charging them.

Mr. Gray responded that the new facility is under construction and the cost of that facility has no impact to the airport. He added what they pay for is the piece of equipment that they want and the personnel to run the equipment. Mr. Gray added they do pay approximately \$200,000 to have Rural Metro available to respond to the airport 24 hours a day. He stated there are five personnel and we pay 1/5, or for one of the personnel and the associated costs, and that project was funded through a bond.

#### ADJOURNMENT

Commissioner Mack made a motion to adjourn the meeting. Commissioner Vickers seconded the motion and the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Diana M. Maggiola  
Administrative Secretary

Airport Advisory Commission  
July 9, 2003

APPROVED

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